

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL LEWINSKI,

Plaintiff,

v.

KOHL'S DEPARTMENT STORES,
INC., et al.,

Defendants.

C13-1695 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Pursuant to the parties' Joint Status Report, docket no. 24, indicating that plaintiff is unable to effect service of process on defendant Tasia International Co., Ltd. ("Tasia"), plaintiff's claims against Tasia are hereby DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

(2) Defendant Li & Fung, Ltd.'s unopposed motion to dismiss, docket no. 25, is GRANTED, and plaintiff's claims against Li & Fung, Ltd. are hereby DISMISSED without prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(2), for lack of personal jurisdiction.

(3) Plaintiff's unopposed motion to have defendant Kohl's Department Stores, Inc. ("Kohl's") be deemed to have the status of a manufacturer, in addition to a product seller, docket no. 27, is GRANTED. For purposes of a claim under Washington's Product Liability Act ("WPLA"), a product seller is deemed to have the status of a manufacturer if *inter alia* "[n]o solvent manufacturer who would be liable to the claimant is subject to service of process under the laws of . . . the state of Washington." RCW 7.72.040(2)(a). The remaining parties agree that the manufacturer (Tasia) and distributor (allegedly Li & Fung, Ltd.) of the decorative hourglass that caused plaintiff's injuries are not subject to service of process under Washington law. As a result, Kohl's assumes the status of a manufacturer with respect to plaintiff's claims under the WPLA.

1 (4) The remaining parties are DIRECTED to file an updated Joint Status
2 Report within twenty-one (21) days of the date of this Minute Order, indicating when this
3 matter will be ready for trial and updating the information provided in the Joint Status
4 Report filed on November 25, 2013, docket no. 12.

5 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

7 Dated this 6th day of August, 2014.

8 William M. McCool
9 Clerk

10 s/Claudia Hawney
11 Deputy Clerk